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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIME ESQUIVEL,

Defendant.

No. CR 06-00682- RMW

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

SAN JOSE VENUE

On January 8, 2007 the parties in this case appeared before the Court for a status conference. The parties jointly requested that the case be continued from January 8, 2007, at 9:00 a.m. to February 12, 2007. in order for counsel for defendant to review the discovery in the case. In addition, the parties requested an exclusion of time under the Speedy Trial Act from January 8, 2007 to February 12, 2007. Defendant, who was present with his attorney Assistant Federal Public Defender Cynthia Lie, agreed to the exclusion, as did AUSA Thomas O'Connell. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

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JAN 25 '07

U.S. DISTRICT COURT  
NO. DIST. OF CALIF. S.J.

EAFILE

FILED

FEB - 8 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 DATED: 01/24/07

/s/  
 THOMAS M. O'CONNELL  
 Assistant United States Attorney

4 DATED: 01/24/07

/s/  
 CYNTHIA C. LIE  
 Assistant Federal Public Defender  
 Counsel for Mr. Esquivel

7 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
 8 under the Speedy Trial Act from January 8, 2007 until February 12, 2007. . The Court finds,  
 9 based on the aforementioned reasons, that the ends of justice served by granting the requested  
 10 continuance outweigh the best interest of the public and the defendant in a speedy trial. The  
 11 failure to grant the requested continuance would deny defense counsel reasonable time necessary  
 12 for effective preparation, taking into account the exercise of due diligence, and would result in a  
 13 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
 14 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

15 SO ORDERED.

17 DATED: 2/8/07

*Ronald M. Whyte*  
 RONALD M. WHYTE  
 United States District Judge